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DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES, HELENA, MONTANA

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HOW THE SOCIAL SECURITY AMENDMENTS OF 1972 (PUBLIC LAW 92-603, H.R.1)
AFFECT THE CLINICAL LABORATORY

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I. Qualifications of Personnel

"PROGRAM FOR DETERMINING QUALIFICATIONS FOR CERTAIN HEALTH CARE PERSONNEL"

"Sec.1123. (a) The Secretary, in carrying out his functions relating to the qualifications for health care personnel under title XVIII, shall develop (in consultation with appropriate professional health organizations and State health and licensure agencies) and conduct (in conjunction with State health and licensure agencies) (437) until December 31, 1977, a program designed to determine the proficiency of individuals (who do not otherwise meet the formal educational, professional membership, or other specific criteria established for determining the qualifications of practical nurses, therapists, laboratory (438) technicians, and technologists, and cytotechnologists, X-ray technicians, psychiatric technicians, or other health care technicians (439) and technologists) to perform the duties and functions of practical nurses, therapists, laboratory technicians (440), technologists, and cytotechnologists, X-ray technicians, psychiatric technicians, or other health care technicians (441) and technologists. Such program shall include (but not be limited to) the employment of procedures for the formal testing of the proficiency of individuals. In the conduct of such program, no individual who otherwise meets the proficiency requirements for any health care specialty shall be denied a satisfactory proficiency rating solely because of his failure to meet formal educational or professional membership requirements."

"(b) If any individual has been determined, under the program established pursuant to subsection (a), to be qualified to perform the duties and functions of any health care specialty, no person or provider utilizing the services of such individual to perform such duties and functions shall be denied payment, under title XVIII or under any State plan approved under title XIX*, for any health care services provided by such person on the grounds that such individual is not qualified to perform such duties and functions."

Section 241 "Proficiency Determinations for Certain Health Personnel (10-30-72)" requires the Secretary (in conjunction with appropriate professional health organizations and State health and licensure agencies) to explore, develop, and apply appropriate means, including testing, for determining the proficiency of certain health personnel now excluded by or limited in responsibility under Medicare regulations. This proficiency determination authority may be applied through December 31, 1977, after which these health personnel must meet the specific formal education, professional membership, or other requirements established by regulations.

Because of the application of these requirements to laboratory personnel, those laboratory technicians who do not presently have the academic requirements to qualify as technologists may find it advantageous to take the National Proficiency Examinations for Clinical Laboratory Personnel. In Montana we plan to use the results of these examinations to satisfy any testing requirements specified by State Laws or Rules. Additionally, these examinations would help identify areas in which more continuing education is required. Previously these examinations have been given at Carroll College in Helena and Miles City College. They consist of four tests - clinical chemistry, microbiology, hematology, and blood banking. They are paper and pencil tests, each one lasting an hour. All four or any one of the tests may be taken and a

fee of \$25.00 is charged whether one test or all four are taken. The next examination date is Saturday, May 5, 1973. Registration forms and additional information may be obtained by writing to:

National Committee for Careers in the Medical Laboratory
9650 Rockville Pike, Bethesda, Maryland 20014

House Bill No. 200 "An Act to Regulate and License Clinical Laboratory Facilities and Personnel" passed the House with only 17 dissenting votes on third reading. There was so much confusion and misunderstanding during the committee hearing in the Senate that it was decided to table the bill until 1974 rather than to see it killed outright. The bill will be divided by the Legislative Council. The first will deal with licensing of personnel under the Department of Professional and Occupational Licensing and the other with the licensing of laboratories under the Department of Health and Environmental Sciences.

Here is a resolution adopted by the Association of State and Territorial Public Health Laboratory Directors March 15, 1973 dealing with the subject matter of HB 200 Resolution No. 7 - 1) WHEREAS, Public Health Laboratory Directors frequently are responsible for professional supervision of surveys undertaken to determine compliance with federal standards in laboratories providing service under Titles XVIII and XIX of the Social Security Act as amended, and

- 2) WHEREAS, there are presently at least four sets of federal standards for clinical laboratories.
THEREFORE BE IT RESOLVED that the Health Services and Mental Health Administration instruct the Social Security Administration and the Center for Disease Control to develop a uniform set of laboratory standards, including qualifications and duties of personnel, suitable also for adoption as Rules by States according to their various Administrative Procedures Acts and which would also serve as standards of quality for laboratory work under National Health Insurance.

II. Quality of work in physician-office laboratories

P.L. 92-603 TITLE XI - GENERAL PROVISIONS AND PROFESSIONAL STANDARDS REVIEW PART B- PROFESSIONAL STANDARDS REVIEW - Sec. 1151 et seq. This is the "Bennett Amendment" and legislative intent is to include all work for which a physician has direct responsibility. Here is a resolution adopted by the Association of State and Territorial Public Health Laboratory Directors March 15, 1973 dealing with this issue.

Resolution No. 4 - WHEREAS, Laboratory services are an essential part of medical care, 1) THEREFORE BE IT RESOLVED that the Association of State and Territorial Public Health Laboratory Directors recommends that when laboratory services are involved in peer review under P.L. 92-603, Social Security Amendments of 1972, Section 1151 et seq. (PRSO - Bennett amendment), the laboratory component of such review should be carried out by persons qualified as laboratory directors or supervisors under 20 CFR Part 405 Subpart M Sections 405.1312 and 405.1313 (Medicare). An examination and evaluation of results of proficiency tests carried out during the previous year should also be made a part of such reviews.

2) BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the Association of State and Territorial Health Officers to the Secretary of Health, Education and Welfare.

* (Title XIX = Medicaid)